

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES )  
COMPANY FOR AN ADJUSTMENT OF ITS ) CASE NO. 2014-00371  
ELECTRIC RATES )

ORDER REGARDING REQUEST FOR CONFIDENTIAL TREATMENT

On January 23, 2015, and February 20, 2015, Kentucky Utilities Company ("Movant") moved, pursuant to 807 KAR 5:001, Section 13, and KRS 61.878(1), that certain materials filed with the Commission be afforded confidential treatment and not be placed in the public record subject to public inspection.

In support of its motions, Movant states that the information it is requesting to be held confidential is contained in its responses to the Sierra Club's Initial Data Request ("Sierra Club's Initial Request"), Item 26(b), filed January 23, 2015, and the Second Set of Data Requests of Kentucky Industrial Utility Customers, Inc. ("KIUC's Second Request"), Item 20, filed February 20, 2015. The information in Item 26(b) is more particularly described as a transmission study that has not been made public. The Information in Item 20 is more particularly described as Excel spreadsheets containing detailed non-executive employee compensation and benefit information.

On November 17, 2015, the Commission granted Movant's request for confidential protection of its response to the Attorney General's Supplemental Request for Information, Item 29, which included information pertaining to the transmission study detailed above. In its Order, the Commission noted that Movant tendered in

supplemental letters, which clarified that the transmission study will never be publicly disclosed and should be kept confidential indefinitely.<sup>1</sup>

Having carefully considered the motions and the materials at issue, the Commission finds that:

1. The materials in Movant's response to the Sierra Club's Initial Request, Item 26(b), for which Movant seeks confidential treatment meet the criteria for confidential protection and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.

2. The materials in Movant's response to KIUC's Second Request, Item 20, for which Movant seeks confidential treatment contain only non-executive employee benefit information and therefore meet the criteria for confidential protection and are exempted from public disclosure pursuant to KRS 61.878(1) and 807 KAR 5:001, Section 13.<sup>2</sup>

3. Pursuant to KRS 61.878, the material for which Movant requests confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

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<sup>1</sup> November 17, 2015 Order at 1-2; Letter from Allyson Sturgeon, Senior Corporate Counsel, LG&E and KU Energy LLC, to Jeff Derouen, Executive Director, Kentucky Public Service Commission (Nov. 12, 2015).

<sup>2</sup> See e.g. Case No. 2012-00221, *Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates* (Ky. PSC Sept. 11, 2013).

IT IS THEREFORE ORDERED that:

1. Movant's motions for confidential protection of its responses to the Sierra Club's Initial Request, Item 26(b), and KIUC's Second Request, Item 20, are granted.

2. Pursuant to KRS 61.878, the information for which Movant requests confidential protection shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Order of the Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

By the Commission

ENTERED  
DEC 02 2015  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2014-00371

\*Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Honorable Lindsey W Ingram, III  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Honorable David F Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Honorable W. Duncan Crosby III  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Andrea C Brown  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

\*Gregory T Dutton  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Stefanie J Kingsley  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*David Brown  
Stites & Harbison, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KENTUCKY 40202

\*Gardner F Gillespie  
Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
11th Floor East  
Washington, DISTRICT OF COLUMBIA 20005

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Joe F Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Amanda M Lanham  
Sheppard Mullin Richter & Hampton LLP  
1300 I Street NW  
11th Floor East  
Washington, DISTRICT OF COLUMBIA 20005

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO 45202

\*Janet M Graham  
Commissioner of Law  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

\*Rick E Lovekamp  
Manager - Regulatory Affairs  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Robert Conroy  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*C Harris  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Crosbie & May PLLC  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

\*Don C A Parker  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Honorable Robert M Watt, III  
Attorney At Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Laurie Williams  
Associate Attorney  
Sierra Club  
50 F Street, NW, Eighth Floor  
Washington, DISTRICT OF COLUMBIA 20001

\*Casey Roberts  
Staff Attorney  
Sierra Club  
85 Second St. Second Floor  
San Francisco, CALIFORNIA 94105

\*Derrick P Williamson  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PENNSYLVANIA 17050

\*Honorable Iris G Skidmore  
415 W. Main Street  
Suite 2  
Frankfort, KENTUCKY 40601

\*Ed Staton  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Honorable Allyson K Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Janice Theriot  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY 40202